



**Linda S. Adams**  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**North Coast Region**  
**John W. Corbett, Chairman**

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**Arnold**  
**Schwarzenegger**  
Governor

August 24, 2007

In the Matter of

**Water Quality Certification**

for the

**HUMBOLDT COUNTY DPW - CENTRAL AVE./MURRAY ROAD SAFE ROUTE TO  
SCHOOLS PROJECT  
WDID NO. 1B07065WNHU**

APPLICANT:	Humboldt County Department of Public Works
RECEIVING WATER:	Roadside Drainages Tributary to Widow White Creek
HYDROLOGIC UNIT:	Blue Lake Hydrologic Area 109.10
COUNTY:	Humboldt
FILE NAME:	Humboldt Co. DPW – Central Ave./Murray Rd. Safe Route to Schools Project

**BY THE EXECUTIVE OFFICER:**

1. On May 14, 2007 the Humboldt County Department of Public Works (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with sidewalk construction and shoulder widening along Central Avenue in McKinleyville. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 1, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The purpose of this project is to improve transportation facilities for pedestrians and bicyclists, especially for students attending McKinleyville High School, McKinleyville Middle School, and Morris Elementary School. The project will improve public safety by widening the transportation corridor and providing a separate concrete walkway adjacent to the roadway.
3. The project involves construction of new sidewalks and installation of a pedestrian bridge over Widow White Creek. Construction of new sidewalks will result in filling sections of roadside drainage ditches that contain linear areas of wetlands that drain to Widow White Creek. Filling sections of the drainage ditches to locate sidewalks

on both sides of Central Avenue will result in permanent impacts to approximately 125 linear feet and 250 square feet (0.006 acre) of jurisdictional wetlands.

4. A new pedestrian bridge will be installed over Widow White Creek on the west side of Central Avenue. The pre-fabricated bridge will be supported by concrete abutments located at least five feet away from the top of the creek banks.
5. Compensatory mitigation is required for the permanent impacts to wetlands located in sections of the roadside ditches that will be filled during sidewalk construction. Compensatory mitigation for the project includes creation of 25 linear feet of new drainage ditch adjacent to a portion of the existing ditch that will be filled. The section of new ditch will be similar in size, shape and vegetation to the existing ditch that will be filled. Compensatory mitigation also includes removal of 30 linear feet of an existing 18-inch diameter culvert from a buried section of drainage ditch to create a 30 feet long by 10 feet wide (300 square feet) in-line bio-filtration storm water treatment area. An existing drainage ditch on the east side of Central Avenue will also be widened to create a 20 feet long by 10 feet wide in-line bio-filtration storm water treatment area. The treatment areas incorporate a low profile berm perpendicular to the flow direction and bio-filtration strips to provide water retention and treatment. Removal of the existing culvert and creation of the in-line treatment areas will create 440 square feet (0.01 acre) of additional drainage ditch area.
6. Noncompensatory mitigation for this project includes revegetation of all disturbed areas with a mixture of native vegetation. Noncompensatory mitigation also includes the use of Best Management Practices for sediment and erosion control.
7. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
8. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404.
9. On July 24, 2007, the Humboldt County Department of Public Works adopted a Mitigated Negative Declaration (SCH No. 2007052078) and a Mitigation Monitoring Plan (MMP) for the project in order to comply with the California Environmental Quality Act. The intent of the MMP is to ensure effective implementation of the adopted mitigation measures. As a responsible agency, the Regional Water Board has considered the mitigated negative declaration and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. Potentially significant impacts identified in the environmental document within the Regional Water Board's jurisdiction are associated with effects on biological resources including riparian habitat and other sensitive natural community (wetlands). Proposed measures will mitigate potentially significant project impacts to less-than-significant levels. Mitigation measures and conditions of approval are incorporated into this order by reference. This Water Quality Certification authorizes discharges associated with roadside drainage modifications; however, it requires that the Applicant comply with all applicable water quality standards and water quality-related conditions and requirements imposed by other agencies for all activities and discharges associated with the Safe Route to Schools Project.

Receiving Water: Roadside Drainages Tributary to Widow White Creek in the Blue Lake Hydrologic Area 109.10

Filled or Excavated Area: Area Temporarily Impacted: None  
Area Permanently Impacted: 250 square feet of wetlands (0.0006 acre)

Total Linear Impacts: Length Temporarily Impacted: None  
Length Permanently Impacted: 125 linear feet of roadside drainage

Dredge Volume: None

Latitude/Longitude: 40.95187 N/124.10021 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Central Avenue/Murray Road Safe Route to Schools Project (WDID No. 1B07065WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. A copy of this Order and the application submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
6. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. It is the Applicant's responsibility to ensure that their

contractor(s) are knowledgeable of the authorized project activities, BMPs, avoidance measures and mitigation measures contained in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

7. The conditions and monitoring and reporting requirements detailed in the MMP are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation measures identified in the MMP.
8. The Regional Water Board will be provided with a mitigation monitoring report prepared by a professional with experience in wetland ecosystem creation and function, as well as wetland mitigation monitoring techniques. A detailed monitoring report shall be submitted two years following completion of construction activities. The monitoring report shall contain photos of the mitigation areas and shall document in writing whether or not the mitigation performance criteria contained in the MMP has been achieved. After the monitoring report is submitted a decision will be made as to whether mitigation is complete or additional mitigation measures are necessary in order to meet the mitigation performance criteria.
9. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
14. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and

implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.  
  
To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.
18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
19. The authorization of this certification for any dredge and fill activities expires on August 24, 2012. Conditions and monitoring requirements outlined in this

certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

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Robert R. Klamt  
Interim Executive Officer

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Original to: Mr. Hank Seemann, Humboldt County Department of Public Works  
1106 Second Street, Eureka, CA 95501-0579

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,  
CA 95502  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398